

The Juvenile Probation
Officer's Role in
Working with Detained
Youth

DETENTION

Training Finalized Date 00/00/0000

CLASS OBJECTIVES

Review

Review Arizona Juvenile Detention History

Identify

Identify the negative impacts of detention

Outline

Outline the process involved for detaining youth

List

List the rights juveniles have while in detention

Describe

Describe the role of the PO for detained juveniles

Review class objectives

WHAT IS JUVENILE DETENTION?

A.R.S. 8-201 Defines detention as "the temporary confinement of a juvenile who requires secure care in a physically restricting facility that is completely surrounded by a locked and physically secure barrier with restricted ingress and egress for the protection of the juvenile or the community pending court disposition or as a condition of probation"

Before giving the ARS definition of detention, discuss how they would define juvenile detention. The legal definition of detention per the A.R.S is the temporary confinement of a juvenile who requires secure care in a physically restricting facility that is completely surrounded by a locked and physically secure barrier with restricted ingress and egress for the protection of the juvenile of the community pending court disposition or as a condition of probation. The emphasis here is temporary confinement and for the protection of the juvenile or the community.



- This exercise/discussion should pull ideas from the attendees in the areas of types of offenses, LE influence, family influence, attorney influence, department influence and violations of probation.
- After thoughts are obtained from the attendees refer back to the definition of what is a detention center.
- We will be discussing this in further detail, however, keep these thoughts in mind moving forward.

HISTORICAL PRACTICES



- County Jail
- Arizona Territorial Industrial School
- In re Gault 387 U.S. (1967) (Globe, AZ)
- The Juvenile Justice and Delinquency Prevention Act (1974)

Previously, juveniles were housed together with adults in county jails for short term detainment. Juveniles were treated like adults and housed with them but they did not have the same due process rights like adults.

For long term detainment juveniles were sent to the Arizona Territorial Industrial School which was built in Benson, Arizona to confine juveniles. The school was given jurisdiction over any child between the ages of eight and sixteen who were convicted of an offense punishable by imprisonment. These "children" could be confined until the age of 21.

In 1967 the landmark U.S. Supreme Court In Re Gault case changed the way juveniles would be treated. This case actually occurred **in Globe**

Arizona. <https://youtu.be/8fVFgd7YyCk> Play video.

After video*** Prior to the Gault case youth did not have due process rights (I.e advance notice of the charges, the right to counsel, the right to confront and cross-examine adverse witnesses, and the right to remain silent). Gault also extended the search and seizure protections of the Fourth Amendment to juveniles. Juveniles are not, however, accorded the full expanse of rights that adult criminal defendants are accorded, such as the right to trial by jury.

After 1967 it was determined that an in-depth review of the juvenile corrections was needed to address the increased numbers of youth in the system.

Out of this process the Juvenile Justice and Delinquency Prevention Act of 1974 was created which helped build a strong momentum toward preventing juvenile delinquency, deinstitutionalizing youth already in the system, and keeping juvenile offenders separate from adults offenders. The Juvenile Justice and Delinquency Prevention Act of 1974 created the Office of Juvenile Justice and Delinquency Prevention (OJJDP). To this day, work continues on the JJDP Act and most recently in 2018 it was reformed which indicates that there is still work to do in the area of juvenile justice.

JUVENILE DETENTION VS. JUVENILE CORRECTIONS

Juvenile Detention

- Local (county) authority
- Short term (temporary)
- Statewide
- Released to probation services while awaiting adjudication, disposition or out of home placement

Juvenile Department of Corrections

- State authority
- Long term
- Statewide
- Released to conditional release services (parole)

Today we use juvenile detention as a short term, temporary, rehabilitation focused facility ran by individual county jurisdictions. Not all counties have a detention facility. However, all counties have a contract to detain .

For long term detainment, juveniles are placed with the Juvenile Department of Corrections. The Juvenile Department of Corrections is also rehabilitation focused but is often recommended as longer term of incarceration once all the services and programs of community supervision (I.e probation) have been exhausted. The Juvenile Department of Corrections is at the state level and juveniles are released to conditional release services, previously known as parole.

GUIDING AUTHORITIES

- Arizona Revised Statute § 8-305
- Arizona Rules of Procedure for the Juvenile Court §23
- Arizona Code of Judicial Administration (ACJA)
- State of Arizona Juvenile Detention Standards

These are the guiding authorities that we typically refer to when discussing juvenile detention. It includes laws about when juveniles can be detained to, standards we apply to detention centers.

Remember statute applies to everyone because everyone is governed by statute. For example it gives a judge authority to establish a juvenile detention center.

Rules apply to the court, Code applies to probation and all probation officers, and Arizona Detention Standards apply to detention centers.

If you'd like links to the ACJA & Detention Standards please let me know

[https://www.azcourts.gov/Portals/0/admcode/pdfcurrentcode/6-](https://www.azcourts.gov/Portals/0/admcode/pdfcurrentcode/6-311_section.pdf)

[311_section.pdf](https://www.azcourts.gov/Portals/0/ad-311_section.pdf)[azcourts.gov/Portals/0/ad-](https://www.azcourts.gov/Portals/0/ad-311_section.pdf) Link to ACJA

[Detention Standards.pdf](https://www.azcourts.gov/Portals/0/ad-311_section.pdf) ([azcourts.gov](https://www.azcourts.gov))- Link to Detention Standards

REASONS FOR DETAINMENT

Arizona Rules of Procedure for the Juvenile Court §23 (D) states:

"1. The juvenile otherwise will not be present at any hearing; or

2. The juvenile is likely to commit an offense injurious to self or others; or

3. The juvenile must be held for another jurisdiction; or

4. The interests of the juvenile or the public require custodial protection; or

5. The juvenile must be held pending the filing of a complaint pursuant to A.R.S. § 13-501."

**** This Rule is also included in the handout****

One of the guiding authorities you should familiarize yourself with is Rule 23d. As a probation officer it is important to know the rule above because when you are planning to recommend to the court that a youth be detained the officer must present one or more of the justifications above.

- One of the first considerations is whether the juvenile is a flight risk or whether they are likely to be present for any future hearings.
- Will they be likely to commit an offense that is likely to result in injury to themselves or others?
- Did the juvenile commit an offense in another jurisdiction that requires the judge to detain the juvenile for the other jurisdiction?
- Does the public or juvenile require custodial protection?

DETENTION SCREENING INSTRUMENT (DSI)

- The DSI is a validated instrument that objectively assesses each juvenile's level of risk from the time of arrest until the first appearance before a juvenile court judge.
- All juveniles are screened prior to the admission decision to a detention center.
- To ensure that we are only detaining juveniles that pose a legitimate risk to public safety, who are a flight risk or who are at risk to not appear at future court hearings
- Detention intake staff or probation staff (Local policy)

What is the DSI? The DSI is a validated instrument that objectively assesses each juvenile's level of risk. Risk factors are used to gauge the potential level of risk a juvenile may pose to public safety. Some of the risk factors used are; the current offense the juvenile is being charged with, prior offense history, legal status/court history, aggravating factors and mitigating factors. **The DSI is different from the Risk Assessment Instrument.**

When is the DSI used? The DSI is completed for all juveniles entering juvenile detention before the juvenile can be accepted into a detention facility

Why do we use the DSI? We use the DSI to ensure that we are only detaining juveniles that pose a legitimate risk to public safety, juveniles who are a flight risk or who are at risk to not appear at future court hearings. **"Right kid, right place, right time"**

Who uses the DSI? Either detention intake staff or probation staff for the county in which the juvenile is arrested. Each county is different and some counties do not have a detention center; however every county typically has an assessment or intake center where the DSI is completed. Every staff who is responsible for completing screening will receive training.

The DSI also takes into account the professional judgement of intake staff which leads us into overrides and special detention criteria.

-A DSI is part of the handout so please refer to that for specific questions

DETENTION SCREENING INSTRUMENT

Special Detention Criteria

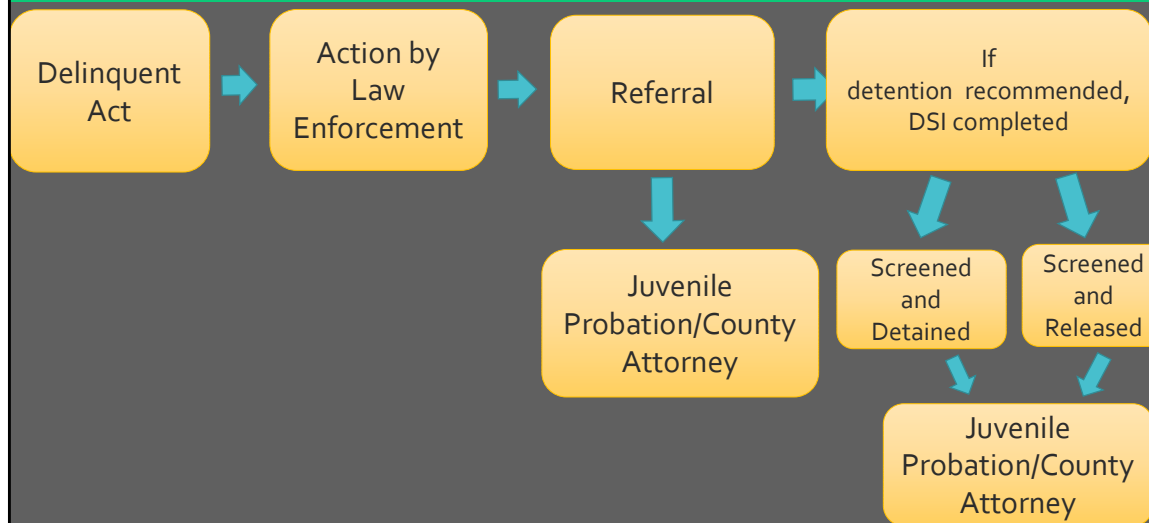
- Warrants
 - Federal warrants, other jurisdiction warrants, in county warrants
- Violation of a condition of release
- Probation violation (supervisor approval)

Detention Overrides

- Supervisor approval required
- Overrides to detain
- Overrides to release

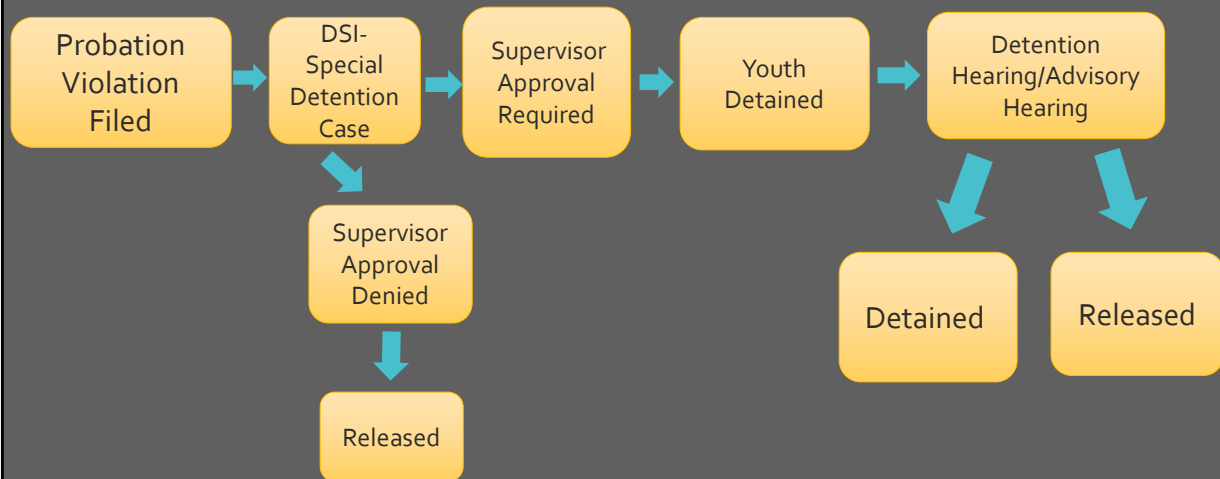
Overrides are available but they must be used only in exceptional circumstances. Deviations from the risk level should not occur for more than 15% of cases. Overrides can be used upward or downward. Upward overrides indicates that the juvenile's risk to public safety is higher than it appears, and thus secure detention is thought to be necessary. Downward means that the risk is lower than it appears, and a less restrictive setting is necessary. You'll more commonly see upward overrides; however, downward overrides should be considered as well.

DELINQUENT REFERRAL DETENTION PROCESS



A youth may only be detained after receiving a referral (criminal complaint) from Law Enforcement or a referral (probation violation) from a Probation Officer. In this scenario, the law enforcement officer decides to either detain the juvenile or file a referral without detaining the juvenile. If the law enforcement officer brings the juvenile in to the juvenile detention center, the detention staff conducts the DSI which will either determine if the juvenile is released or detained.

PROBATION VIOLATION DETENTION PROCESS



In this scenario, the juvenile is already on probation and has violated the terms of their probation. If the PO decides that they would like to recommend detention, then it would be considered a Special Detention case. This falls under the special detention criteria on the DSI. Once the probation violation has been filed the probation officer completes the DSI and must obtain supervisor approval to detain.

Once the juvenile is detained a detention hearing or advisory hearing occurs within 24 hours once the petition has been filed. This is when as a PO, you would be presenting your recommendations to the court.

After the hearing, the juvenile either remains detained or will be released.

JUVENILE'S RIGHTS

Freedom of speech

Right to participate in religious activities

Access to courts and to counsel

Access to medical services

Freedom from discrimination: juveniles shall not be subjected to discrimination based on race, national origin, religion, gender, sexual orientation, physical or mental disability

Right to reasonable access to parents or legal guardians through mail, visitation, and telephone

Access to a grievance/complaint process shall be made available to all youth without reprisals

Once a juvenile is detained, they go through different processes, depending on the detention facility. The Arizona Detention Standards govern these processes. It is extremely important to remember that prior to the Gault case, a lot of these processes did not exist for juveniles, and they were afforded little to no rights. That is why it is important for you to familiarize yourself with their rights as a PO. The rapport you have built with a youth does not end, because they are detained. When you make your contact with the juvenile, asking whether they have access to medical services and reasonable access to parents or legal guardians through telephone or mail is a good place to start. Keep these rights in mind when you are having discussion with the juveniles.

Also remember that typically anything juveniles legally have access to on the outside, they should have access to while detained.

If you become aware a youth was denied a right/s refer to your local department policy.

DETENTION PROGRAMMING

Varies by facility but typically includes:

- Education
- Recreation and physical exercise
- Practice religion
- Meal-time
- Visitation
- Facility specific programming



What happens in juvenile detention centers day-to-day varies by facility, but school-age youth must attend school. Youth are entitled to go outdoors regularly, engage in physical exercise, participate in a range of recreational activities and practice their religion.

Discussion: Why is there programming in a detention center? Programming exists to manage behavior, **keeping them engaged and active and if they have a case plan there is continued opportunity to work** on the juvenile's case plan. There may be some variation on the juvenile being placed in detention versus a juvenile out in the community but there is still an active engagement in the case plan progress.

RESPONSIBILITIES OF THE PO

Continued contact by the PO with the juvenile.

Continued Case Management

Collaboration

So let's take some time to discuss the responsibilities of a PO while a juvenile is detained. It may feel that there may not be much you can do while a juvenile is detained but the role of the PO is more important now than ever.

Continued and consistent contact with the juvenile is one of the main responsibilities of a PO, in order to maintain the rapport you have built thus far. Imagine trying to plan for discharge with a juvenile you have not contacted while they were detained. How seriously would a juvenile take the plan you have created for them without prior discussion? Ask question: **Now imagine if your county does not have a detention center. What do you do in this circumstance? How do these contacts look different than those counties with a detention facility?**

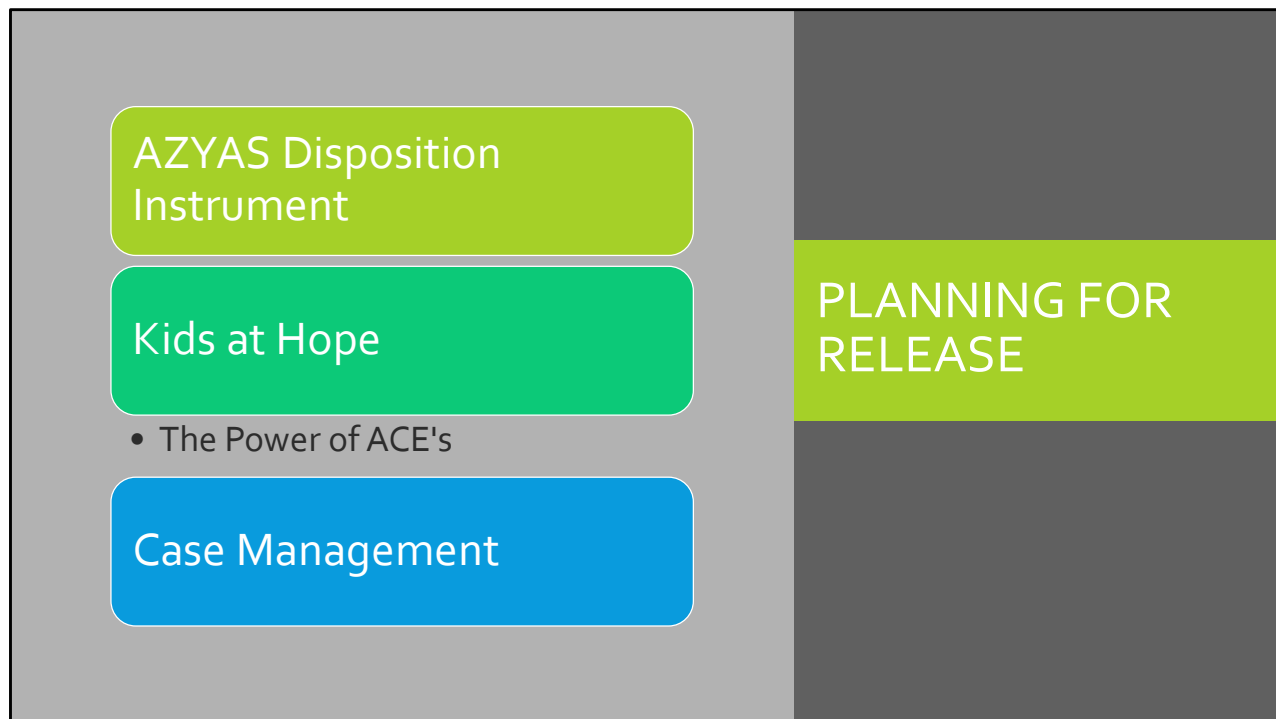
You use whatever tools available to you to contact the juvenile. Preferably in person contact; however, many detention center's have COVID protocols, which may limit the type of contact with the juvenile. If you need to video call with the juvenile or a simple phone call is all you can manage, then you ensure that contact is occurring.

Ensure that you are also not just contacting the juvenile but the family as well. Again, not only is contact with the juvenile essential but with the parents/guardian as well. Make sure that you are still working with the family while the juvenile is being detained.

Continued case management is essential when a juvenile is detained. A part of case planning when a juvenile is placed on probation is planning for discharge from probation. When a juvenile begins in treatment services, planning for their discharge from services begins. Likewise, planning for the release from detention begins when the juvenile is detained.

Finally, collaboration is extremely important, while a juvenile is being detained. Some of the main individuals you will be and should be collaborating with are the detention officers.

The juveniles will be spending the majority of their time with detention officers during their time in detention and they will be your main source of information, apart from the juvenile. They can provide you with information regarding the juvenile's behaviors, their mental health, and even whether the parents or family has been visiting the juvenile while in detention. However, the information is disclosed, it is important to inform yourself on how to obtain it. Likewise, information sharing works both ways. Many detention centers rely on the approved lists of visitors, the probation officers create in order to determine who can visit the juvenile while detained. Again, it is important to collaborate regularly with detention, in order for vital information regarding the juvenile to be communicated. **Apart from detention officers who else will you be collaborating with, if a juvenile is detained? Potential answers: DCS, mental health professionals, parents, and mentors.**



Likewise, as we spoke about previously, case management continues to be a part of your responsibility as a PO while a juvenile is detained, and identifying barriers for release is a part of case management. Recognizing individual strengths and barriers each youth might have when transitioning home or into a therapeutic setting and helping them plan and prepare for potential road blocks can better help set youth up for a successful transition. A useful tool that should be used to identify these strengths and barriers is the Arizona Youth Assessment System (AZYAS) disposition instrument.

- Juvenile Justice History
- Family and Living Arrangements
- Peers and Social Support Network
- Education and Employment
- Pro-Social Skills
- Substance Abuse and Personality
- Values, Beliefs, and Attitudes

Remember that case planning is based on the premise that a probation officer can serve as an agent of change in the life of a juvenile. As probation officers, you are capable of empowering, inspiring, and transforming a juvenile's life. Good supervision planning involves analyzing problems, establishing goals to address these problems, assigning priorities to these goals, and designing action steps to reach these goals within a given time frame. Case Supervision Plan goals, objectives should drive the officer's conversation and interactions with youth.

Each child is capable of success, no exceptions. We need to remember that as probation

officers you are capable of empowering, inspiring and transforming a juvenile's life. We have our ACE's and it's important to utilize them. What are the ACE's again? Anchor/Parent, other Caring Adults, High Expectations, Opportunities for Success.

Finally, planning for release starts when the youth is initially detained. Planning for release should not start when the youth receives a release date.

IMPACTS ON JUVENILES THAT ARE DETAINED

- Negative Impacts
 - Juvenile (Mental Health, physical health, disengagement, negative peers)
 - Family (Emotions negative, disconnect)
 - Community (Disengagement)
 - Victim (Guilt, remorse)
- Positive Impacts
 - Juvenile (Accountability, enlightened, learn new skills)
 - Family (Gain new supports, respite/regroup, gain new skills)
 - Community (Improve relations with LE)
 - Victim (safety, accountability)

- Go over each impact and discuss possible examples of each impact.
- Making a decision as a PO to recommend detention can make or break a case being successful. You have been presented with all this information; however, there needs to be a purpose or a benefit to the case management as you being an agent of change.

QUESTIONS?

GENERAL CONTACT INFORMATION

Request assistance from Detention Operation Team

Phone: (602)452-3443

Email: POCA@courts.az.gov